IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 819/2006
(Kailash Vs. State of Rajasthan & Anr.)

Date of Order : 20/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.S.Choudhary for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

Heard learned counsel for the petitioner and the public prosecutor for the State. Perused the order impugned dated 27.6.2006 passed by Judicial Magistrate, First Class, Sojat.

By the order impugned, the question of custody of prosecutrix whose age according to the medical evidence was between 16 to 18 years, has been decided by the trial court and the custody of the prosecutrix has been given to her father.

Learned counsel for the petitioner submits that the age of the prosecutrix is above 18 years and therefore, custody of the prosecutrix be given to the petitioner.

In my view, the trial court has rightly declined to give custody of the prosecutrix to the petitioner as from the medical

evidence her age appears to be between 16 to 18 years and the custody of the prosecutrix to her father in the facts and circumstances of the case, cannot be said to be erroneous.

No case for interference is made out in the inherent jurisdiction under Section 482 Cr.P.C. The criminal misc. petition is, therefore, dismissed.

(H.R.PANWAR),J.

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